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PATENT  
Attorney Docket No. 05552.1470-00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Frank VITZTHUM	)	Group Art Unit: 1634
	)	
Application No.: 10/587,831	)	Examiner: Robert Thomas Crow
	)	
Filed: July 28, 2006	)	
	)	
For: TEST SYSTEM AND METHOD	)	Confirmation No.: 6928
FOR THE DETECTION OF	)	
ANALYTES	)	

**Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

Applicant responds to the Restriction Requirement mailed February 25, 2009.

This response is due March 27, 2009, and is timely filed. The Office requires election under 35 U.S.C. §§ 121 and 372 from among the following groups:

**Group I** - Claims 1-12, and 17, drawn to a switch probe and systems comprising a switch probe; and

**Group II** - Claims 13 and 16, drawn to a method for determining the presence of concentration of an analyte.

Office Action, p. 3. In response, Applicant elects Group I, claims 1-12 and 17.

Applicant notes the Office's comments on the rejoinder of non-elected process claims in paragraph 6 of the Office Action.

If there is any fee due in connection with the filing of this Statement, please  
charge the fee to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: March 24, 2009

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